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PTO/SB/21 (04-04)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/828,765
	Filing Date	April 20, 2004
	First Named Inventor	Fink, James
	Art Unit	3743
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	016770-007100US

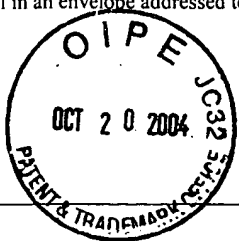
ENCLOSURES (Check all that apply)				
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to Technology Center (TC)		
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)		
<input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard		
<input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<table border="1"><tr><td>Remarks</td><td>The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.</td></tr></table>		Remarks	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.
Remarks	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.			
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT				
Firm or Individual name	Townsend and Townsend and Crew LLP Mart C. Matthews Reg. No. 26,201			
Signature	<i>Mart C. Matthews</i>			
Date	October 18, 2004			

CERTIFICATE OF TRANSMISSION/MAILING			
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Typed or printed name	Connie Larson		
Signature	<i>Connie Larson</i>	Date	October 18, 2004

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PATENT
Attorney Docket No.: 016770-007100US

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On

Oct. 18, 2004

TOWNSEND and TOWNSEND and CREW LLP

By:

Bonnie Larum

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

James Fink

Application No.: 10/828,765

Filed: April 20, 2004

For: VENTILATION SYSTEMS AND
METHODS EMPLOYING AEROSOL
GENERATORS

Examiner:

Art Unit: 3743

INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement.

However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

Mart C. Matthews
Reg. No. 26,201

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MCM/cl
60333948 v1



INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Complete if Known	
		Application Number	10/828,765
		Filing Date	April 20, 2004
		First Named Inventor	Fink, James
		Art Unit	3743
		Examiner Name	
Sheet 1	of	Attorney Docket Number	016770-007100US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code ² (if known)			
	AA	US-5,245,995	9-21-93	Sullivan et al.	
	AB	US-6,581,595	6-24-03	Murdock et al.	
	AC	US-6,615,824	9-9-03	Power	
	AD	US-2002/0078958	6-27-02	Stenzler	
	AE	US-2003/0150445	8-14-03	Power et al.	
	AF	US-2003/0145859	8-7-03	Bohn et al.	
	AG	US-2004/0035413	2-26-04	Smaldone et al.	
	AH	US-			
	AI	US-			
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FOREIGN PATENT DOCUMENTS								
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		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				
	AU	PCT	WO 82/03548					<input type="checkbox"/>
	AV							<input type="checkbox"/>
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	AY							<input type="checkbox"/>
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.
60333948 v1



Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet **2**

of

Complete if Known

Application Number	10/828,765
Filing Date	April 20, 2004
First Named Inventor	Fink, James
Art Unit	3743
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Attorney Docket Number	016770-007100US

NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	BC	A. SMEDSAAS-LÖFVENBERT, Nebulization of Drugs in a Nasal CPAP System, Scandinavian University Press, 1999, Acta Paediatr 88: 89-92, Sweden.	
	BD	G. JORCH, Letter to the Editor, Surfactant Aerosol Treatment of Respiratory Distress Syndrome in Spontaneously Breathing Premature Infants, Pediatric Pulmonology 24: 222-224, 1997, Wiley-Liss, Inc.	
	BE	E. BERGGREN, Pilot Study of Nebulized Surfactant Therapy for Neonatal Respiratory Distress Syndrome, Acta Paediatr 89: 460-464, Taylor & Francis, ISSN 0803-5253, 2000, Sweden.	
	BF	G. C. SMALDONE, Aerosolized Antibiotics: Current and Future, Respiratory Care, Vol. 45, No. 6, ppg. 667-675,.	
	BG		
	BH		
	BI		
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	BM		

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